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3765

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Broome *et al.*

Serial No.: 09/723,003

Group Art Unit: 3765

Filed: November 27, 2000

Examiner: Larry Worrell TECHNOLOGY CENTER R3700

For: DISTAL PROTECTION DEVICE  
AND METHOD

Attorney Docket No.: 10177-108

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants write concerning U.S. Patent No. 6,468,291 to Bates *et al.* ("the '291 patent;" attached as Exhibit A). On July 30, 2002, Applicants submitted a request under 37 C.F.R. §§ 1.603 and 1.604(a) for an interference between the captioned application and published patent application no. 09/774,197 ("the '197 application"). The '197 application has issued as the '291 patent. Accordingly, this letter serves to notify the Examiner of the issuance of the '291 patent and to identify that patent pursuant to 37 C.F.R. § 1.607(c).

Applicants previously copied claims from the '197 application into the captioned application in their July 20, 2002 submission. Specifically, claims 59-63 of the captioned application are identical to claims 11, 12 and 18-20 of the '197 application. The claims copied from the '197 application have issued unchanged in the '291 patent. The following table shows the correspondence between claims 59-63 of the captioned application and the identical claims of the '291 patent:

<u>'291 Patent</u>	<u>Captioned Application</u>
10	59
11	60
17	61
18	62
19	63

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Additionally, in their July 30, 2002 request, Applicants proposed two counts and identified the claims of the '197 application and of the captioned application that correspond to each proposed count. Thus, Applicants have already complied with the provisions of §§ 1.607 and 1.608(a).

Accordingly, for the reasons set forth herein and in Applicant's July 30, 2002 request for an interference, Applicants request that an interference be declared between the captioned application and the '291 patent.

Respectfully submitted,

Date

11/6/2002

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